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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,063	10/27/2003	Emily H. Qi	ITL.1030US (P16766)	3783
21906	7590	11/28/2007	EXAMINER	
TROP PRUNER & HU, PC			DUNN, DARRIN D	
1616 S. VOSS ROAD, SUITE 750			ART UNIT	
HOUSTON, TX 77057-2631			PAPER NUMBER	
			2121	
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			11/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/694,063

Applicant(s)

QI ET AL.

Examiner

Darrin Dunn

Art Unit

2121

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

DAVID VINCENT
SUPERVISORY PATENT EXAMINER

Continuation of 11:

Applicant's claim terminology refers to a first and second filter chains to process first and second wireless mediums, respectively.

Claim Interpretation:

In accordance with *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow....The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breath of language explored, and clarification imposed", emphasis added).

Issue:

At issue is the relationship between the wireless mediums and respective filter chains. The relationship is provided for by using the term 'processing.' Processing is broadly interpreted as a series of actions, changes, or functions bringing about a result. In the present case, the actions, changes, and/or means to specifically process the wireless mediums using filter chains are not elaborated as to adequately describe how the wireless mediums are processed.

Wireless mediums:

Pudipeddi et al. teaches communication media, including wireless media (acoustic, RF, infrared, and other wireless media) In effect, a plurality of wireless mediums are provided for. Since a plurality is interpreted as multiple or many, it follows that first and second wireless mediums correspond to a plurality..(COL 5 lines 13-16)

Filter Chains

Pudipeddi et al. teaches filter drivers providing for multiple I/O requests (e.g., create, read, write, and close, Col 8 lines 29-30). First and second filter chains are provided for - 406 (FIG 4) e.g., [Filter A-E] form a chain, corresponding to respective volumes, c: and d:, wherein each volume maintains a per-volume list, i.e., chain A-E & A-D, respectively)

Processing:

Filter drivers are depicted as a chain, supra filter chains. Each chain represents a per-volume ordered list (e.g., volume c: and/or d:) (COL 9 lines 4-7). Each per-volume list is understood as being located on communication media, including wireless media, supra wireless mediums. Each list is indexed by a type of operation for which filters have a registered interest (COL 3 lines 5-8 e.g., an operation is a type of processing)

Conclusion:

In effect, in order to process the callback operations implementing per-volume lists, i.e., filter chains, the communication media on which the per-volume lists are stored are ACTED upon, i.e., processed, to realize a result. Since the communication media are described as including wireless mediums, it follows, based upon obviousness arguments of record, that respective first and second wireless mediums may be processed using first and second filter chains, i.e., different per-volume lists)

Ronald Hartman, Jr.
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PRIMARY EXAMINER
11/25/2007
X RDH